


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                     |   |                               |
|-------------------------------------|---|-------------------------------|
| TYRONE P. JAMES                     | : |                               |
| Plaintiff,                          | : |                               |
|                                     | : |                               |
| v.                                  | : | CIVIL ACTION NO. 1:01-CV-1015 |
|                                     | : | (Judge Kane)                  |
|                                     | : | (Magistrate Judge Mannion)    |
| YORK COUNTY POLICE DEPARTMENT,      | : |                               |
| JAMES H. MORGAN, RICHARD PEDDICORD, | : | JURY TRIAL DEMANDED           |
| RAYMOND E. CRUAL, GENE FELLS,       | : |                               |
| DET. KESSLER, CO. BAYLARK,          | : |                               |
| RANDY SIPES, BRIAN WESTMORELAND,    | : |                               |
| and DETECTIVE GLOWCZESKI            | : |                               |
| Defendants,                         | : |                               |

FILED  
HARRISBURG, PA

SEP 29 2004

MARY E. D'ANDREA, CLERK  
Per 

MOTION TO ORDER THE DEPARTMENT OF CORRECTION, S.C.I. ROCKVIEW AND THE YORK

COUNTY PRISON TO TURN OVER PLAINTIFF'S MEDICAL, PSYCHIATRIC RECORDS

TO PRODUCE AS EVIDENCE, TO SHOW INJURIES.

Plaintiff's, Tyrone P. James, hereby request this Honorable Court to issue an order directing the Department Of Correction, S.C.I. Rockview, Medical Department, and York County Prison, Medical Department, to turn over all medical documents, both medical and psychological, in their position, from plaintiff's immediate, incarceration, on January 10, 2001, until present, and hereby avers the followings:

1. On June, 8, 2001, Plaintiff's brought a Section 1983, civil action, against defendants Morgan, kessler, Craul, Peddicord, Fells, and Baylark, in the above caption case, in violation of his Constitutional rights.

2. Plaintiff's filed supplemental complaint, to his complaint, adding defendant Sipes, Westmoreland and Glowczeski.

3. In plaintiff Complaint, plaintiff's avers, that the van driven by defendant Glowczesli, hit him to the ground and cause him injuries.

4. Plaintiff's was taken to the York City Police Department, where he was later take before a District Justice, arraigned and detained at the York County Prison, where remained until March 14, 2002, until he was transferred

5. On January 10, 2001, when plaintiff was taken to the York County Prison, he was never seen by a doctor immediately, but was taken to the Segregation Unit, at the York County Prison, where he remained for three days, without any immediate medical care.

6. Plaintiff during is fifteen (15) months, at the York County Prison, report various ailments, about his lower back, shoulder, and nee, in which he was experiencing severe pain; along with psychological trauma, suffered during his arrest to medical staffs, at the York County Prison, S.C.I. Camp Hill, and S.C.I. Rockview, where he his presently incarcerated.

7. On March 12, 2004, Defendant Sipes filed a Motion To Dismiss, without allow plaintiff's to conduct any Discovery.

8. On April 13, 2004, other Defendants, Morgan, Kessler, Westmoreland, Craul, Peddicord, Fells and Glowczeski, filed a motion for summary judgment, along with supporting brief, statement of facts and appendix. (Doc. NOs. 146, 147, and 149). Plaintiff's filed a brief in opposition to defendants motion for summary judgment, statement of material facts and exhibits.

9. On June 30, 2004, defendants, by counsel, filed a supplemental to the brief in support of the motion for summary judgment (Do. NO. 168). Plaintiff, filed a brief in opposition, on July 15, 2004, statement of material facts, appendix and exhibits (Doc. NOs. 177, 178, 179 and 180). Plaintiff's, filed a second brief in opposition to defendants supplemental brief.

10. On May 4, 2004, the Magistrate ordered that discovery process must be completed by July 15, 2004 and all brief filed by July 30, 2004.

11. On August 17, 2004, the Magistrate Judge, Malachy E. Mannion, issued his report and recommendation, without plaintiff's able to conduct, discovery from defendant Sipes. The Magistrate, recommended, that plaintiff complaint be dismisses and summary judgment be granted in favor of the defendants, because plaintiff's has failed to state a claim, that he sustained any injury as to the use of force, by the defendants and the incident with the van, hitting

this plaintiff. [See Magistrate, report and recommendation, 8/17/04, p. 26]

12. Plaintiff is indigent, proceeding in forma pauperis and without funds, or the assistance of counsel to represent him in this matter, to conduct investigation, subpoena medical records, or have plaintiff's medical records [Psychological and medical], turn over to him, from both from the York County Prison, S.C.I. Camp Hill, and S.C.I. Rockview.

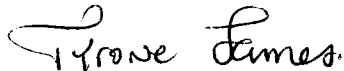
13. Plaintiff's has made numerous attempts to obtained copy of his medical records, to represent, as evidence, or to show injuries to the court, but has been unsuccessful, specifically as to his psychiatric records. [See Letter send to Warden Thomas H. Hogan, and Inmates, Request To Staff's Member]. Their response are that I need a court order to retrieved such records.

14. The Court, on August 27, 2004, granted plaintiff's a motion for enlargement of time, to filed an objections to the Magistrate report and recommendation, until October 7, 2004.

15. This Plaintiff, is without medical documents, to submit to this Court.

**WHEREFORE**, plaintiff, respectfully pray, that this Honorable Court issue an Order directing the York County Prison, S.C.I. Camp Hill, and S.C.I. Rockview, Medical Department, to turn over Psychological and medical records, to the Plaintiff's, so that he can proper, present evidence, to effectuate his civil case, before this Court. In the alternative, appoint counsel, to properly retrieve these confidential records, to present to this court, to pursue, his excessive force claim, when plaintiff's was stoke by a van driven by defendant Glowczeski.

Respectfully submitted,



Tyrone P. James

EX 9451  
P.O. Box A  
Bellefonte, PA 16823-0820

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                     |   |                               |
|-------------------------------------|---|-------------------------------|
| TYRONE P. JAMES                     | : |                               |
| Plaintiff,                          | : |                               |
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| YORK COUNTY POLICE DEPARTMENT,      | : |                               |
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| RANDY SIPIES, BRIAN WESTMORELAND,   | : |                               |
| and DETECTIVE GLOWCZESKI            | : |                               |
| Defendants,                         | : |                               |

CERTIFICATE OF SERVICE

I, Tyrone P. James, Plaintiff's, pro se, hereby certified that, I am this day serving a true and correct copy to assigned counsel's "Motion To Order The Department Of Corection, S.C.I. Rockview And The York County Prison To Turn Over Plaintiff's Medical, Psychiatric Records To Produce As Evidence, To Show Injuries," in the manner set forth below to the following, by placing said Legal mail into a legal envelop, by deposited into the institutional mail box, and turning over said documents to prison officials for mailings, on September 21, 2004.

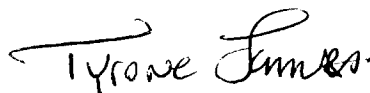
I certify under penalty of perjury that the foregoing is true and correct; pursuant to 28 U.S.C. § 1746.

BY FIRST CLASS U.S. MAIL:

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Office Of Attorney General  
15th Floor Strawberry Square  
Harrisburg, PA 17120

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Tyrone P. James  
EX 9451  
P.O. Box A  
Bellefonte, PA 16823-0820

Dtae: September 21, 2004.

Tyrone P. James  
EX 9451  
P.O. Box A  
Bellefonte, PA 16823-0820

August 11, 2004

Thomas H. Hogan Warden  
Attn: Medical Staff, York County  
York County Prison  
3400 Concord Road  
York, Pennsylvania 17402

RE: Tyrone P. James v. York County Police Dept. et al., 1:01-CV-1015

Dear Thomas H. Hogan (Warden)/ Medical Supervisor, (Records)

I am presently litigating Pro se, in the United States District Court, Middle District Of Pennsylvania, in a civil suit, in the above reference matter, in Forma Pauperis. I am requesting copy of my complete medical records during my incarceration in the York County Prison, from January 10, 2001 through March 14, 2002. I also entered the Prison on August 25, 2003, October 7, 2003 and December 18, 2003, to attend court hearing in the Common Plea Court, York County; I am also requesting those medical records.

I appreciated your cooperation in the matter, to prevent any future court order. Please forward all correspondence to the address listed above. Thank you.

Sincerely,

Tyrone P. James

cc: Tyrone P. James, (Plaintiff's).

|   |   |  |  |   |
|---|---|--|--|---|
| Is your RETURN ADDRESS completed on the reverse side? | <b>SENDER:</b><br>■ Complete items 1 and/or 2 for additional services.<br>■ Complete items 3, 4a, and 4b.<br>■ Print your name and address on the reverse of this form so that we can return this card to you.<br>■ Attach this form to the front of the mailpiece, or on the back if space does not permit.<br>■ Write "Return Receipt Requested" on the mailpiece below the article number.<br>■ The Return Receipt will show to whom the article was delivered and the date delivered. |  | I also wish to receive the following services (for an extra fee):<br>1. <input type="checkbox"/> Addressee's Address<br>2. <input type="checkbox"/> Restricted Delivery<br>Consult postmaster for fee. |   |
|   | 3. Article Addressed to:<br>Thomas Hogan<br>York Cnty. Prison<br>3400 Concord Rd.<br>YORK, PA 17402   |  | 7003 3110 0005 4739 1411   |   |
|   | 4b. Service Type<br><input type="checkbox"/> Registered<br><input type="checkbox"/> Express Mail<br><input checked="" type="checkbox"/> Return Receipt for Merchandise  |  | <input checked="" type="checkbox"/> Certified<br><input type="checkbox"/> Insured<br><input type="checkbox"/> COD  |   |
|   | 5. Received By: (Print Name)<br>P. Smith  |  | 7. Date of Delivery<br>9/16/04   |   |
| 6. Signature: (Addressee or Agent)<br>X P. Smith      |   | 8. Addressee's Address (Only if requested and fee is paid) |  | Thank you for using Return Receipt Service. |
| PS Form 3811, December 1994                           |   | 102595-98-B-0229 Domestic Return Receipt                   |  |   |

|  |  |   |  |
|--|--|---|--|
| Form DC-135A   |  | Commonwealth of Pennsylvania<br>Department of Corrections   |  |
| INMATE'S REQUEST TO STAFF MEMBER   |  | INSTRUCTIONS<br>Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.  |  |
| 1. To: (Name and Title of Officer) <u>Medical Records</u><br><u>Ms. DIANA Simpson Supervisor</u>   |  | 2. Date: <u>9-16-04</u>   |  |
| 3. By: (Print Inmate Name and Number)<br><u>Tyrone James EX 9451</u><br><u>Tyrone James</u><br>Inmate Signature  |  | 4. Counselor's Name<br><u>?</u>   |  |
| 6. Work Assignment<br><u>Drafting</u>  |  | 5. Unit Manager's Name<br><u>Mr. Duck</u>   |  |
| 7. Housing Assignment<br><u>CB-149</u>   |  | 8. Subject: State your request completely but briefly. Give details.<br><u>To: DIANA Simpson Medical Records Supervisor, I am requesting a review of my medical records, so that I can choose the necessary medical records to submit to the U.S. District Court by 8-7-04. Please arrange so that I can review the records and pick out the records. Mr. Rackoran submitted a cash slip, which I must signed and give it to you. I appreciate your expeditious response in this matter. Thank you.</u> |  |
| cc: Inmate.  |  | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b><br/> SEP 17 2004<br/> <b>MEDICAL RECORDS</b> </div>  |  |
| 9. Response: (This Section for Staff Response Only)  |  |   |  |
| <u>Mr. James -</u><br><u>I spoke with Mr. Rackoran about your psychiatric records. According to Policy 80 M 003 you need to obtain a court order from the presiding judge in your case to get a copy of your psychiatric records. I faxed your signed authorization to York County Prison to get your medical/mental health records. I can give you copies of the medical portion once I receive those records but I need the court order to give you copies of the psychiatric section. Thanks,</u> |  |   |  |
| To DC-14 CAR only <input type="checkbox"/> <u>Diana Simpson</u>  |  | To DC-14 CAR and DC-15 IRS <input type="checkbox"/>   |  |
| <u>Medical Records Supervisor</u>  |  |   |  |

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign



Tyronne James

EX9451

P.O. Box A

Belleville, PA 16823-0820

INMATE MAIL  
PA DEPT OF  
CORRECTIONS

Office of The Clerk

United State District Court

United States Court House

228 Walnut Street

P. O. Box 983

Harrisburg, PA 17108

Legal Mail